

ENTERED

June 28, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA

VS.

RODOLFO ANTONIO MUNIZ JR.

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MAG. JUDGE NO. 6:19-MJ-50

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

- (1) There are no conditions or combination of conditions that would reasonably secure the presence of the Defendant; and
- (2) There are no conditions or combination of conditions that will reasonably assure the safety of the community.

The evidence against the Defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the proffers of the parties. The Defendant appears to have been involved in smuggling aliens for years, and has a previous conviction in federal court. The reason given for his failure to appear on a state bond matter, that his wife had a premature birth, do not excuse his failure to appear. The child and mother were released from the hospital in September, and the failure to appear did not occur until December, and then Defendant was not arrested for three months after the failure to appear. If anything, the Defendant's circumstances should have made him more vigilant about his

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court matters rather than less so that he could be available to provide additional assistance to his wife and child.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 28th day of June, 2019.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE